



Roll Call Number

Agenda Item Number

22

Date August 24, 2015

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING VACATION OF THE DEAD-END EAST/WEST ALLEY SEGMENT BETWEEN FRANKLIN AVENUE AND ALLISON AVENUE FROM A POINT 300 FEET EAST OF 18TH STREET TO A POINT 250 FEET EAST OF 18TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 6, 2015, its members voted 11-0 in support of a motion to recommend APPROVAL of a request from Simon Rojas (owner), 1619 Franklin Avenue, for vacation of the dead-end east/west alley segment between Franklin Avenue and Allison Avenue from a point 300 feet east of 18th Street to a point 250 feet east of 18th Street, subject to reservation of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.

MOVED by _____ to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

Glenna K. Frank
Assistant City Attorney

(11-2015-1.11)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL.

MOTION CARRIED APPROVED

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk





August 18, 2015

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held August 6, 2015, the following action was taken regarding a request from Simon Rojas (owner) 1619 Franklin Avenue for vacation of the dead-end east/west alley segment between Franklin Avenue and Allison Avenue from a point 300 feet east of 18th Street to a point 250 feet east of 18th Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
JoAnne Corigliano	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed				X
John "Jack" Hilmes				X
Greg Jones	X			
Sasha Kamper	X			
Brian Millard	X			
William Page	X			
Jonathan Rosenbloom	X			
Mike Simonson	X			
CJ Stephens				X
Greg Wattier	X			

APPROVAL of the requested vacation subject to provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated. (11-2015-1.11)



STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to provision of any necessary easements for all existing utilities until such time that they are abandoned or are relocated.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant wishes to acquire the alley segment adjoining the rear (north) property line and combine it with the property addressed 1615 Franklin Avenue. The submitted application includes consent information from the property owner abutting north of the alley at 1620 Allison Avenue.
2. **Size of Site:** 50 foot by 16 foot (800 square feet) alley segment.
3. **Existing Zoning (site):** "R1-60" One-Family, Low-Density Residential District, "GGP" Gambling Games Prohibition Overlay District and "FSO" Free Standing Sign Overlay District.
4. **Existing Land Use (site):** Gravel, semi-improved alley.
5. **Adjacent Land Use and Zoning:**
 - North** – "R1-60" Use is single-family residential.
 - East** – "R1-60", Use is single-family residential.
 - South** – "R1-60", Use is single-family residential.
 - West** – "R1-60", Use is single-family residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located near Casady Elementary School in an area that consists predominantly of single-family dwellings.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in Mondamin Presidential Neighborhood. The neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on July 17, 2015 and by mailing of the Final Agenda on July 31, 2015. Additionally, separate notifications of the hearing for this specific item were mailed on July 27, 2015 (10 days prior) to the neighborhood associations and to the primary titleholder on file with the Polk County Assessor for each property adjacent to the requested alley segment.

All agendas and notices are mailed to the primary contact designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Mondamin Presidential Neighborhood Association mailings were sent to Valerie Allen, 1934 Jefferson Avenue, Des Moines, IA 50314.
8. **Relevant Zoning History:** None.

9. **2020 Community Character Land Use Plan Designation:** Mixed-Use and Density Residential.

10. **Applicable Regulations:** The Commission reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, in consideration of the criteria set forth in Chapter 18B of the Iowa Code, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Utilities:** Easements must be provided for any existing utilities in place until such time that they may be abandoned or are relocated. No utilities have been identified at this time.
2. **Street System/Access:** The requested vacation would not impact the surrounding street network. The subject dead-end alley segment does not serve as access way for the adjoining properties. The alley segment to the east of the subject site was previously vacated and conveyed to the adjoining properties.

SUMMARY OF DISCUSSION

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

CJ Stephens moved staff recommendation for approval of the requested vacation of street and alley rights-of-way subject to the reservation of any necessary easements for all existing utilities in place, including known water and sanitary sewer mains, until such time that they are abandoned or are relocated.

Motion passed 11-0.

Respectfully submitted,



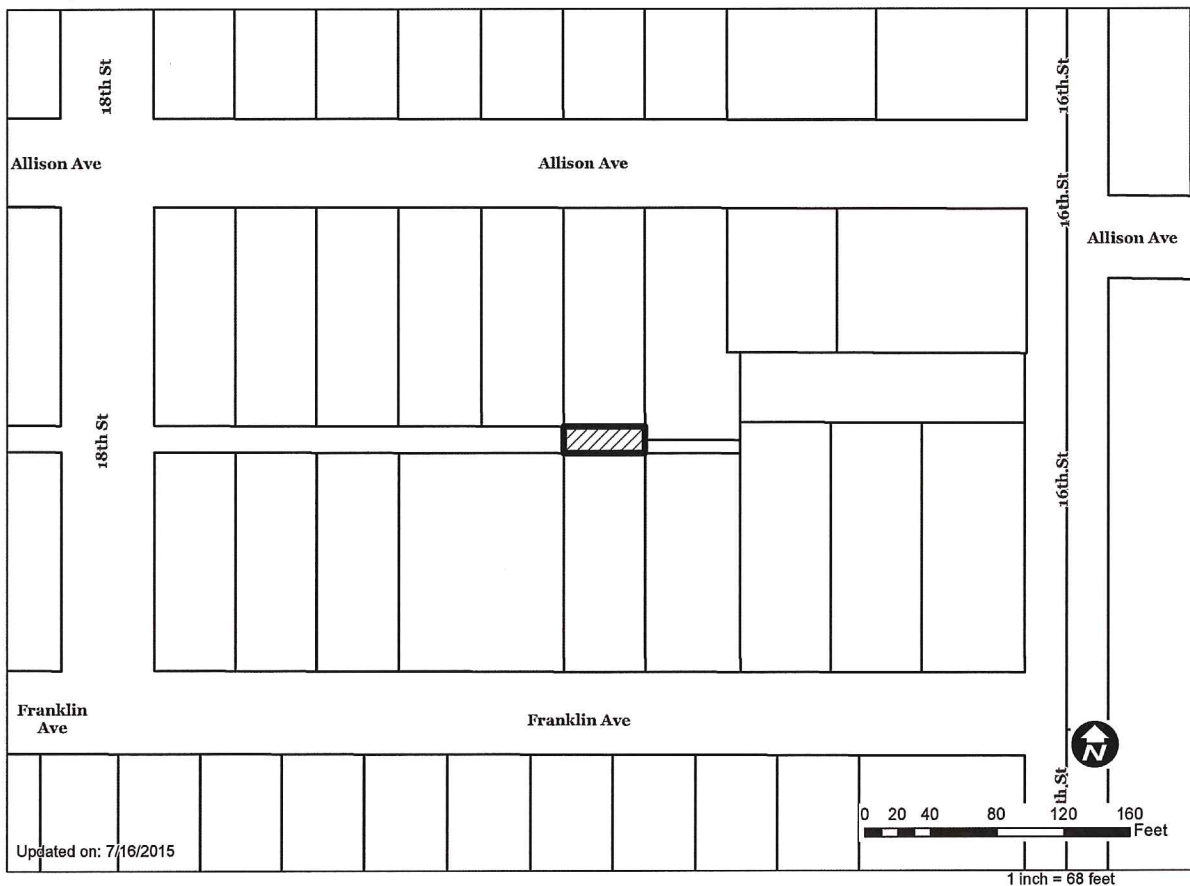
Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

Simon Rojas (owner) for property at 1619 Franklin Avenue.		File #		
		11-2015-1.11		
Description of Action	Approval of Vacation of the dead-end east/west alley segment between Franklin Avenue and Allison Avenue from a point 300 feet east of 18th Street to a point 250 feet east of 18th Street subject to provision of any necessary easements for all existing utilities until such time that they are abandoned or relocated.			
2020 Community Character Plan	Current: Low Density Residential. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"R1-60" One-Family Low-Density Residential District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Sign Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Rojas, 1615 Franklin Avenue

11-2015-1.11



1 inch = 68 feet